



January 31, 2002

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## HOUSE BILL No. 1027

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DIGEST OF HB 1027 (Updated January 30, 2002 9:42 AM - DI 87)

**Citations Affected:** IC 34-10.

**Synopsis:** Pauper counsel in civil actions. Creates a presumption that a person is entitled to an attorney in a civil proceeding if the person is impoverished under the federal poverty guidelines. Creates certain exceptions to the presumption of representation.

**Effective:** July 1, 2002.

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**Kuzman**

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January 8, 2002, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.  
January 30, 2002, reported — Do Pass.

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HB 1027—LS 6408/DI 105+



January 31, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1027

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 34-10-1-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) **This section**  
3 **shall not be construed to prohibit a court from:**

4 (1) **participating in a pro bono legal services program or any**  
5 **other program that provides legal services to litigants without**  
6 **charge or at a reduced fee; or**

7 (2) **appointing counsel as provided by another statute.**

8 (b) If the court is satisfied that a person who makes an application  
9 described in section 1 of this chapter does not have sufficient means to  
10 prosecute or defend the action, the court: ~~shall:~~

11 (1) **shall** admit the applicant to prosecute or defend as an indigent  
12 person; and

13 (2) **may** assign an attorney to defend or prosecute the cause.

14 (c) **It is presumed that a person who is impoverished according**  
15 **to the federal poverty guidelines will be assigned an attorney under**  
16 **subsection (b)(2). However, the presumption is rebutted if the court**  
17 **finds that the person:**

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- 1           **(1) has financial resources available to employ private counsel**  
2           **without imposing a financial hardship on the person or the**  
3           **person's family;**  
4           **(2) is voluntarily unemployed or underemployed;**  
5           **(3) is owed money or other assets in an amount sufficient to**  
6           **employ private counsel;**  
7           **(4) is impoverished due to incarceration; or**  
8           **(5) is unlikely to prevail on the person's claim or defense.**  
9           **(d) All officers required to prosecute or defend the action shall do**  
10          **their duty in the case without taking any fee or reward from the**  
11          **indigent person.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1027, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

KUZMAN, Chair

Committee Vote: yeas 11, nays 0.

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